



ATTACHMENT 3

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

APPLICANT: John Melvin, et al.

TITLE: Mobile Transfilling System

SERIAL NO.: 10/711,787

ART UNIT: 3751

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EXAMINER: Maust, Timothy Lewis

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**37 CFR 1.132 DECLARATION OF TIM DITMORE WITH REGARD TO THE
LONG-FELT NEED IN THE INDUSTRY FOR APPLICANT'S INVENTION /
REPLACEMENT IN THE INDUSTRY OF THE PRIOR ART METHODS BY THE
PRESENT INVENTION / COMMERCIAL SUCCESS OF THE SAME**

I, Tim Ditmore, of full age and majority, residing at 18044 Old Covington Hwy, Hammond, LA. 70403, do hereby declare as follows:

1. I am the owner of Quick-Fill Mobile Oxygen Inc. (Quick-Fill).
2. In 2005, my company entered into a licensing agreement with C & M Oxyfill, LLC to utilize their mobile Transfilling method. (See Exhibit 3 – copy of Licensing Agreement)
3. My company has been servicing medical supply equipment companies in south Louisiana, including Baton Rouge and Lafayette, for the past four years, utilizing the applicants' mobile Transfilling methods.

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4. When my company first started operations, we had no clients and there were a plurality of conventional ground-based re-filling stations doing business in my region.
5. My company subsequently developed a significant client base.
6. Many of my current clients had formerly utilized these conventional ground-based re-filling stations but subsequently switched to my companies services.
7. My company did not have any pre-existing relationship with out current clients.
8. Prior to utilizing our services, our current clients were required to hire laborers to pick up their canisters for refilling, these laborers in turn taking the canisters to conventional ground-based re-filling stations. These canisters often took weeks to be filled, and were often either lost or misplaced, costing our clients' time and money.
9. The applicants' method has finally satisfied a long-felt but previously un-met need in the industry.
10. Many conventional ground-based re-filling stations in my company's region have hence ceased operation.
11. As one example, Medox, Inc., of Lafayette ceased operations after my company started operations in its area.
12. As another example, National Welding Supply Inc. of Baton Rouge, remained in business performing welding –related business, however ceased filling medical oxygen canisters.
13. As yet another example, Life Gas, a division of Linde Gas North America LLC, a nation-wide company, also ceased operations in our region.

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14. During the past four years my company has also achieved commercial success.

My company's gross sales for the year 2009 are projected to be \$500.000.

Tim Ditmore states that the facts set forth in this declaration are true; that all statements made herein of his own knowledge are true and that statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment or both, under Sections 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent resulting therefrom.

A handwritten signature in black ink, appearing to read "Tim Ditmore", is written over a horizontal line.

Tim Ditmore, Owner, Quick-Fill Mobile Oxygen Inc.